GROSSE PERMIT BOSIN

CITY OF NAPOLEON - BUILDING DEPARTMENT

255 West Riverview Avenue, Napoleon, Ohio 43545 - 419-592-4010

| Permit No. 01842 Issu | | FEES | BASE | PLUS | TOTAL |
|--|------------------------------|----------------------|-----------------------------|---|-----------------------|
| Company was a second of the se | date | | 9.00 | 56.00 | 65.00 |
| Job Location 1096 Westche | address | BUILDING | uldist jalls 9. | | 37(14)(2) |
| Lot 43 & 44 Westwood Ac | odition or legal discript | PELECTRICAL | 15.00 | 3.00 | 18.00 |
| Issued By Eldon Huber | stensale | PLUMBING | NATION | | Sulping. |
| building official Owner Jimmie Bialecki | | MECHANICAL | | | 10000 |
| name Address 1096 Westchester | tel. | TDEMOLITION | | | THINTES |
| Agent Defiance Water Re | creation | PZONING | | | Competito |
| | -2618 tel. | SIGN | Solugiana Piana | | nemprijari |
| (8)(2)(4.3 | 1511.00 | WATER TAP | Digital Commence | | |
| Description of Use Residen | ce | SEW. INSP. | 17040 | | Named |
| (ateographs) | ten | SEWER TAP | Dug | | numbari |
| Residential 1 no. dwelling units | nathilite | TEMP. WATER | nulleutmot | | |
| CommercialIndustri | al_Tutos to yiquus | TEMP. ELECT. | Products Va | | |
| New_XAdd'nAlter | Remodel | | Struct. | hrs | Conduits |
| Mixed Occupancy | (ii) rotosotii) | | Elect. | | Grammung dr Bonden |
| Change of Occupancy | -D-1 14067 | V (2) | Service Pane | | |
| Estimated Cost \$ 14000.00 | grather | TOTAL FEE | S | | 83.00 |
| FINAL | Musica miles | LESS MIN. | FEES PAID | date | Hubbaco |
| ZONING INFORMAT | TION (a) NOIT | BALANCE D | DUE | • | Phone: Pot |
| district lot dimensions A 80' X 120" | area 9600 | front yd | side 13'-L 44 | | rear yd |
| max hgt no pkg spaces | | max cover petit | ion or appeal req'o | | date appr |
| 35' 2-min | SH, Linosette | 35% | BZA 89/13 | | Footings & |
| WORK INFORMATION: | | | Interior Wall | | |
| Size: Length <u>33 '</u> Width | 19' Sto | | ound Floor Are | | Foundation 1. |
| HeightBuild | ling Volume (for de | mo. permit) | Cruwi Space D Vent, C Ar | | cu. ft. |
| THINAL ARRESTOVAL IV. W. | it to swimmin | | P) 240V 1 | new circ | |
| Destribusts of | brief description | ing South (30 Am) | ISOR | Hew CIF | 2016 |
| Plumbing: | brief description | all place on single, | mala (2 | | HANDY THUS |
| Mechanical: | brief description | OTIONS, ETC. | HERBS, CERRE | rasgem | |
| Sign:Dimens | sions | 3 - 121 | Sign Area | T. P. Carlotte | - 45 |
| | ound pool | | 24 | 100 | 19.5% |
| 9 27 20 | | | 0 1. | | AID |
| | | | 1.7 | | O'N B Par |
| Date 9-27-89 Applic | ant Signature | Come Dia | owner-agent | A ## | 27 1989 |

White-Building Department Yellow-Applicant

Pink-Electrical Inspector

Green-Clerk-Treasurer

Gold-County OF WAPOLEON

INSPECTION RECORD

| | UNDERGROUND | | | -202 1 1 | F | ROUG | H-IN | | | FINAL | | |
|------------|----------------------------------|--------------|------|-------------------------------|--------|------|--------------------------------|-------|-----|----------------------------------|--------|-----|
| | Туре | Date | Ву | Туре | Date | Ву | Туре | Date | Ву | Туре | Date | Ву |
| | Building Drains | | | Drainage, Waste & Vent Piping | | 14 | Indirect Waste | | | Drainage, Waste & Vent Piping | | |
| 5 | Water Piping | | - | | | | | | | Backflow Prevention | | |
| PLUMBING | Building Sewer | | | Water Piping | | | Condensate Lines | | | Water Heater | | |
| ۵. | Sewer Connection | | | | | | | | | FINAL APPROVAL | | |
| | Refrigerant Piping | | | Refrigerant Piping | | | Chimney(s) | | | Grease Exhaust System | | |
| AL | - Iping | | | Duct Furnace(s) | | | Fire Dampers | | | Air Cond. Unit(s) | | |
| MECHANICAL | Ducts/ Plenums | | | Ducts/ Plenums | | | ☐ Radiant Htr(s)☐ Unit Htr(s) | | | Refrigeration Equipment | | |
| | Torranto | | | Duct Insulation | | | Pool Heater | | | Furnace(s) | | |
| | | | | Combustion Products Vents | | | Ventilation Supply Exhst. | | | FINAL APPROVAL | | |
| | Conduits & or Cable | | | Conduits/ Cable | | | □ Range □ Dryer | | | Temp Service Temp Lighting | | |
| ELECTRICAL | Grounding & or Bonding | | | Rough Wiring | | | ☐ Generator(s) ☐ Motors | | | Fixtures Lampholders | | |
| | Floor Ducts Raceways | | | Service Panel Switchboard | | | □ Water Htr □ Welder | | | Signs | | |
| | Service Conduit | | | Busways Ducts | | | ☐ Heaters ☐ Heat Cable | | | Electric Mtr. Clearance | | |
| | Temporary Power Pole | | | Subpanels | | | □ Duct Htr(s) □ Furnace(s) | 05.2 | | FINAL APPROVAL | | |
| | Location, Set- backs, Esmt(s) | | | Exterior Wall Construction | | | Roof Covering Roof Drainage | | | Smoke Detector | | |
| | Excavation | | | | | | Exterior Lath | | | Demolition (sewer cap) | | |
| | Footings & Reinforcing | | 5, | | | | □ Interior Lath □ Wallboard | | | | | |
| BUILDING | Floor Slab | | | Interior Wall Construction | | | Fire Wall(s) | | | Building or Structure | 0.10 | |
| UIL | Foundation Walls | | | Columns & Supports | | | Fireplace Chimney | | | | | |
| | Sub-soil Drain | | | Crawl Space □ Vent □ Access | | | Attic Vent D Access | | | Dec | ,,, | |
| | Piles | | | Floor System(s) | | | | | | FINAL APPROVAL BLDG. DEPT. | 1/10 | 5 |
| | | | | Roof System | | | Special Insp Reports Rec'd | | | Certificate of Occupancy Issued | TT NOT | MIN |
| | | NSPE | CTIO | NS, CORRECTIO | NS, ET | | | ECTIO | NS, | CORRECTIONS, | ETC. | |
| NAL | GROCAL PLORE CHO, | COL | API | 20160s | 10/5- | 2 | | | | | | |
| ADDITIONAL | O'I'A 9 | apr E danse. | , | | | | | | | | - | |
| A | EP 27 198 | S | | | | | | | | | | |
| | Y 'OS MAPOL FOR | do. | | | | | | | | | 4. | |

APPLICATION

for

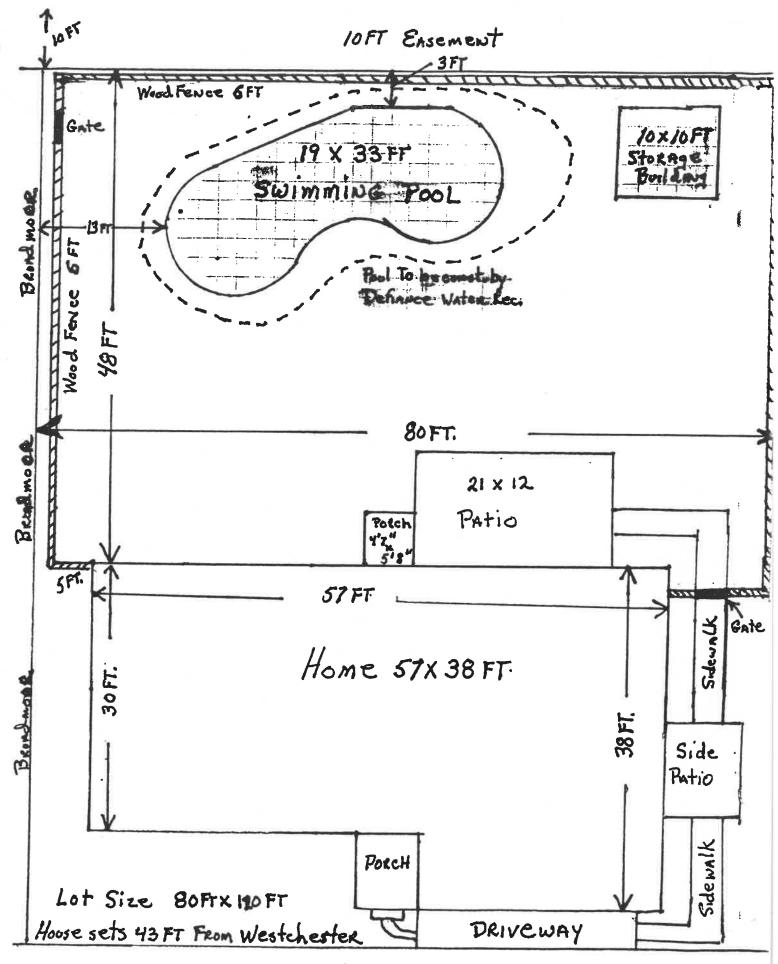
RESIDENTIAL BUILDING, ELECTRICAL, PLUMBING, MECHANICAL, PERMITS and DEMOLITION PERMIT from the

CITY OF NAPOLEON - BUILDING DEPARTMENT

| Entry No. | 255 We | st Riverview Ave. Napo | leon, Dhio 43545 | Pn. 419-592-40 | 10 | | |
|-------------------------------|-----------------------------|-----------------------------------|------------------|--------------------|---------------|---------------------|----------------------|
| | 842 [ssued 9-2] | 7-89 | <u>c</u> | k.Permits Reg. | , | <u>Fees</u> Plus | Total |
| Job Location | 1096 Westches | ter Napoleo | NO) | X Building _ | 7,00 | 56.00 | 65,00 |
| Lot 43444 U | Vestwood Addi | FION | | <u> Electrical</u> | | | |
| Issued By 5/ | sub-div. or legal disc. | | | Plumbing | | | |
| Owner Tammi | building official Budlecki | Pn 59: | | | | | |
| Address 109/ | Westchester | Alasalas | | _ Mechanical | | | |
| Anent Defice | ce Water Recrea | tan more | | _ Demolition _ | | | |
| Address illig & | alston Are 1 | 1180 Pn 782 | | _ Zoning | | | |
| | | | | _ Sign | | | |
| | Swimming 1 | | | _ Water tap | | | |
| | 19x 33 1 | 7 | | _ Sewer Tap | | *********** | |
| Residential | no. dwelling units | ****** | | Temp. Water | | | |
| Commercial | Indust | trial | | Temp. Elec | | | |
| NewA | dd'nAlter_ | Remodel | | Additional | | | |
| | | | | plan review | | | |
| | у | | | Total Fees | | | |
| Estimated Cost \$ | # 14,000 | | | Less Min. Fees | | | |
| -ZONING INFORMATIO | | | **** | Balance Due | đa | te | |
| district | lot dimensions | area | front | yd | side yds. | | rear yd |
| max hgt | no pkg spaces | no ldg spaces | Max Cover | petition or | appeal req'd. | <i></i> | <u>3</u> ite appr |
| | | ********************************* | -2.1.1.6 | <u>B.G.A.</u> | <u> </u> | | |
| ORK INFORMATION: BUILDING: | Garage Fl. Area | Basement | Fl. Area | Se | cond Floor Ar | ·ea | |
| Size: Length | 3' Width 19 (| Stories Gr | ound Floor Area | 450± | SIFI | ** ********* | |
| | Building \ | | | | | | |
| escription of Work | 12 GROC | ND PO | 0 X | | | | Lu. Ti. |
| | | | | | | | |
| | * | **************** | | | | | * |

| ELECTRICAL: Electrical Contractor | 44 |
|--|--|
| Address | Estimated Cost \$ 75.00 |
| Type of work: New Service change Rewiring Additional Wiring X | Temp. Elec. Req. |
| Size of service Management Underground Overhead X | |
| Description of work: Material Formished and Installed Buy Installed circuit to swimming Pool (30 Am | 1 DWDER 1 (240V) |
| PLUMBING: Plumbing Contractor | |
| Address | Estimated Cost \$ |
| Water Tap Req. SizeType of Pipe | Water Dist. Pipe |
| San. Sewer Tap Req. Size Type of Pipe yes no | type Dr.Waste Vt.Pipe |
| yes no St. Sewer Tap Req SizeType of Pipe | type Street to be Opened |
| yes no Main Building Brain Size Main Vent Pipe Size | yes no |
| Water Closets Bathtubs Showers Lavatories Kitchen Sinks Disp | |
| Floor Drains Other Fixtures: Type | No |
| Description of Work: | |
| MECHANICAL: Mechanical Contractor | |
| Address | Estimated Cost |
| Heating System: Forced Air Sravity Hot Water Steam Unit H | eaters Radiant Baseboard |
| Type of Fuel: Electric Natural Gas Propane Wood Coal Solar Geo | thermalOther |
| No. of Heat.Zones Hot Water:(One Pipe Two Pipe Series Loop) Electric He | at:(No of Circuits) No. of Furnaces |
| No. of Hot Air Runs No. of Hot Water Radiators Total Heat Loss Ra | ted Capacity of Furnace/Boiler |
| Location of Heating Units: Crawl Space Floor Level Attic Suspended Roof Ou | tside Other |
| Description of Work | |
| DRAWINGS REQUIRED: All Applications must be Accompanied by Two Complete sets of Drawings FLOOR PLANS, STRUCTURAL FRAMING PLANS, EXTERIOR ELEVATIONS, SECTIONS and DETAILS, STAIR D HEATING LAYOUT ETC. All plans shall be <u>DRAWN ID SCALE</u> . Show all existing structures on Furnace Locations. | ETAILS, ELECTRICAL LAYOUT, PLUMBING ISOMETRIC, |
| READ AND SIGN BELOW; The undersigned hereby makes application for a permit for all work d work in strict accordance with all applicable provisions of the current edition of the C. and Zoning Codes, the Napoleon Engineering Dept. Rules and Regulations, Standard Specific Napoleon Code of Ordinances. Date | A.B.D. Building Code, the Napoleon Building ations and other Pertinent Sections of the |
| Application | n not valid without signature |

. .



1096 Westchester



City of NAPOLEON, OHIO

255 RIVERVIEW AVENUE - (419) 592-4010 NAPOLEON, OHIO 43545-0151

September 15, 1989

Mayor Steven Lankenau City of Napoleon, Ohio Board of Zoning Appeals 255 West Riverview Avenue Napoleon, Ohio 43545

Roger O. Freytag Zoning Administrator 255 West Riverview Avenue Napoleon, Ohio 43545

Members of Council

Lawrence Haase

Donald Stevens Terri A. Williams

John E. Church Randy J. Bachman

City Manager

Clerk-Treasurer Rupert W. Schweinhagen

Law Director Michael J. Wesche

Assistant Law Director Jeffrey R. Lankenau

James Hershberger, President Attention: Mr. C. Richard McBroom, Chairman

Re: Bialecki Variance Requests

Dear Mr. McBroom and Mr. Freytag:

I have been asked to provide an opinion and ruling concerning action taken by the City of Napoleon, Ohio Board of Zoning Appeals (hereinafter called "BZA") concerning two (2) requests by Mr. and Mrs. Jimmie Bialecki for variances from the City's zoning code regarding installation of an inground pool and a six-foot fence at 1096 Westchester Avenue in the City of Napoleon, which is located in Westwood Addition. The BZA held a public hearing on August 8, 1989 and approved both variance requests, subject to the three (3) following conditions:

- 1. That the Bialeckis obtain approval from a majority of the property owners in Westwood Addition waiving the following two deed and plat restrictions of Westwood Addition:
 - That no structures be erected other than a single-family dwelling and a private garage (hereinafter called "the Structure Restriction"); and
 - (B) That the lots in that addition not be used for any purposes that may endanger the health or unreasonably disturb the peace and quiet of any occupant (hereinafter called "the Peace and Quiet Restriction");
- 2. That the City Law Director make a ruling concerning the BZA's duty, if any, as to the enforcement of deed and plat restrictions that may conflict with the zoning code; and
- 3. That the City Law Director make a ruling concerning whether or not a building permit shall be issued.

· (8)

City of Napoleon, Ohio Board of Zoning Appeals and Roger O. Freytag Zoning Administrator September 15, 1989 -Page 2-

The requests made by Bialeckis were for variances from the City's zoning code. The first request was for a variance from certain fence height requirements set forth in Section 151.27(A) (hereinafter called "the Fence Variance"). The second request was for a variance concerning placement of an accessory structure within the front-yard setback line as provided in Section 151.33(D)(2) (hereinafter called "the Front-Yard Variance").

Section 151.13(D)(2) of the zoning code grants the BZA authority to hear applications for variances and to make determinations of final action. Paragraph (F) of that Section sets forth certain procedures to be followed in order to obtain a variance. Subparagraph (F)(3) sets forth four standards to be considered in determining whether or not a variance shall be granted.

While the BZA has authority to impose certain conditions in its determination of whether or not to grant a variance, it is necessary to examine the nature and purpose of any such condition. For example, the Fence Variance was for a variance from the three-foot limitation in a front yard. Generally, that would be a "yes" or "no" determination by the BZA. In other words, either the six-foot fence would be permitted or it would not be permitted. Based upon the testimony and evidence presented at the hearing and upon consideration of the four standards, the BZA had authority to grant the Fence Variance and to impose a condition that the fence not exceed a certain height, whether that height be four feet, five feet, six feet or any other height. That is an example of a condition directly related to a provision of the zoning code and the specific variance requested therefrom.

On the other hand, a condition such as circulating a petition and obtaining the consent of a majority of the property owners in Westwood Addition or a condition such as making the grant of a variance conditional upon obtaining a building permit is extraneous to the specific issue under consideration. Such conditions are not directly related to the merits of the requested variances and should be avoided.

While the wishes of other property owners in Westwood Addition are relevant as the BZA considers the standards set forth in Subparagraph (F)(3), those wishes are, in reality, testimony or evidence to be presented to the BZA at the hearing. Section 151.13(C)(4) states that evidence is to be presented <u>publicly</u> (emphasis added). That is the purpose of having a hearing and

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City of Napoleon, Ohio Board of Zoning Appeals and Roger O. Freytag Zoning Administrator September 15, 1989 -Page 3-

giving notice thereof. It is the duty of the applicant to present testimony and evidence at the hearing. In this case, the Bialeckis were permitted to produce evidence after completion of the hearing. However, in this instance, there appears to be no prejudicial harm because the content of the petition was discussed at the hearing and it appears that the content of the petition was considered by the BZA in its findings concerning the standards set forth in Subparagraph (F)(3), especially (c) and (d).

The petition submitted by the Bialeckis purports to contain at least 34 signatures. This opinion and ruling are not, and shall not be construed as, approval of the form or substance of that petition, or the procedure followed in obtaining it, for the purpose of lawfully waiving or terminating the Structure Restriction or the Peace and Quiet Restriction of Westwood Addition. Rather, this opinion and ruling are that (1) evidence and testimony (including petitions such as the one submitted by the Bialeckis) should be presented at the hearing, and (2) conditions imposed by the BZA to a variance request should be directly related to a specific provision of the zoning code and the specific variance requested therefrom, rather than to extraneous matters.

The second condition imposed by the BZA concerned its duty, if any, as to the enforcement of deed and plat restrictions that may conflict with the City's zoning code. An examination of the Plat of Westwood Addition (which is Slide 114 in the Office of the Recorder of Henry County, Ohio) shows the Structure Restriction and the Peace and Quiet Restriction. The Plat was received for record on May 3, 1955 without the express approval of the City Planning Commission or the City Council. Thus, there has been no express approval by the City of the Structure Restriction or the Peace and Quiet Restriction, either as contained on the plat or as contained in the Bialecki deeds found in Volume 209 at Page 658 and in Volume 209 at Page 660, Deed Records of Henry County, Ohio.

Chapter 711 of the Ohio Revised Code entitled "Plats" deals, among other things, with rules and regulations for the approval and rejection of plats in cities and villages and outside municipal corporations. A review of this chapter indicates that, generally, the primary concern of municipal corporations, their planning commissions and their legislative authorities as to subdivisions and plats thereof is to secure and provide for the coordination of streets in a subdivision with existing

City of Napoleon, Ohio Board of Zoning Appeals and Roger O. Freytag Zoning Administrator September 15, 1989 -Page 4-

streets and roads; for the proper amount of open spaces for traffic, circulation and utilities; for the avoidance of future congestion of population detrimental to the public health or safety; for streets, alleys, ways, commons and other public uses; and for parks and other open public grounds. There is no statutory direction to enforce plat or deed restrictions.

Section 711.09 of the Ohio Revised Code specifically states: "Approval of a plat shall not be an acceptance by the public of the dedication of any street, highway, or other way or open space shown upon the plat." Section 711.091 of the Ohio Revised Code and Section 154.14 of the City's Revised Code of General Ordinances provide specific procedures requiring affirmative action for the acceptance of title to streets and other public improvements in a subdivision. Therefore, if approval of a plat by the City does not constitute acceptance of title to streets and other public improvements (with which the City is primarily concerned), it follows that such approval does not constitute acceptance of the duties and liabilities which accompany such an acceptance of title. Moreover, it can be argued by analogy that approval of a plat does not constitute acceptance of duties or liabilities for the enforcement of restrictions set forth thereon which are unrelated to streets and other public improvements.

Deed and plat restrictions which purport to control the use of real property are in the nature of private zoning or zoning by contract, but they do not supercede or in any way affect the requirements of the zoning code. Such restrictions may be less restrictive than the zoning code, and if so, the zoning code prevails. If such restrictions are more restrictive than the zoning code, the restrictions prevail. In either case, the zoning code is enforceable. Furthermore, a valid restriction upon the use of property, which is either incorporated in the deed by which the owner holds title or set forth on the plat of the subdivision thereof, and which restriction does not endanger the safety, health or general welfare of the community, is not superceded or nullified by the adoption of a zoning code which is less restrictive. The zoning authority of a municipal corporation has no power to change or vary restrictions running with the land if they are otherwise valid.

Generally, a person seeking to enforce a restriction that restricts the lands of another may do so where it is shown (1) that the restriction was intended to be for his benefit, and (2) that he has an equitable interest in the other person's

City of Napoleon, Ohio Board of Zoning Appeals and Roger O. Freytag Zoning Administrator September 15, 1989 -Page 5-

adherence thereto. The only portions of the plat and deed restrictions concerning Westwood Addition that appear intended for the benefit of the City and the general public, and in which the City and the general public appear to have an equitable interest, are the dedication of roads and avenues to the use of the public and the reservation of utility easements. It does not appear that the Fence Variance or the Front Yard Variance would interfere with the roads and avenues or with the utility easements in Westwood Addition. Furthermore, the plat and deed restrictions do not expressly authorize or require the City or the general public to enforce the restrictions and do not provide any procedure therefor.

Accordingly, it is my opinion, and you are hereby advised, that the City and the BZA have no duty to enforce the Structure Restriction or the Peace and Quiet Restriction of Westwood Addition. However, this opinion and ruling are not, and shall not be construed as, a prohibition against any other person or entity seeking to enforce the Structure Restriction or the Peace and Quiet Restriction.

The third condition imposed by the BZA was that the City Law Director make a ruling concerning whether or not a building permit shall be issued for the fence and the inground pool. While a zoning code may be enforced, indirectly, by the denial of a building permit, a review of Section 151.13(D) of the City's zoning code, which sets forth the jurisdiction and powers of the BZA, reveals that the BZA does not have jurisdiction or powers concerning the issuance of building permits. Section 713.11 of the Ohio Revised Code permits, but does not require, the legislative authority of the City to delegate to the BZA the power to hear and determine appeals from the refusal of building permits by building commissioners or other officers. However, in the City of Napoleon the jurisdiction and powers governing building permits are placed with the Board of Building Appeals (hereinafter called "BBA"). Chapter 150 of the City's Revised Code of General Ordinances, together with the adoption of certain building codes therein, provides for the issuance of building permits. More specifically, the jurisdiction and powers of the BBA in Section 150.04 include hearing appeals by any person adversely affected by a decision of the Building Commissioner in the enforcement of the City's building code.

Accordingly, it is my opinion, and you are hereby advised, that imposition by the BZA of this condition (i.e. issuance of a building permit) for granting the Bialecki zoning variances is beyond the jurisdiction and powers of the BZA and, therefore, is

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City of Napoleon, Ohio Board of Zoning Appeals and Roger O. Freytag Zoning Administrator September 15, 1989 -Page 6-

a nullity. The issue at hand is the request for variances under the zoning code, not the issuance of a building permit under the building code. These issues must be kept separate and distinct and must be considered and decided by the appropriate public authority.

Accordingly, it is my opinion that the Bialeckis have properly obtained the Fence Variance and the Front Yard Variance and that all conditions, which the BZA had the jurisdiction and power to impose, have been met.

Very truly yours,

CITY OF NAPOLEON, OHIO

y: Wesche, Law Director

MJW:ln

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MEMORANDUM

TO: Members of the Board of Zoning Appeals

FROM: Roger O. Freytag, Zoning Administrator ROF SUBJECT: An application for Variance to install an

inground pool and 6' fence within the front

yard setback

DATE: 3 Aug 1989

MEETING: 8 Aug 1989 at 4:30 PM

MEETING NO.: BZA 89/13

RECOMMENDATION

It is recommended that the Board of Zoning Appeals approve the Variance to install an inground pool and 6' fence within the front yard setback of Broadmoor Ave. at 1096 Westchester Ave.

BACKGROUND

An application for Variance by Jimmie and Jean Bialecki, Napoleon, to install an inground pool and 6' fence within Broadmoor Avenue front yard setback at 1096 Westchester Avenue. The Variance shall be to Section 151.27(A) 151.33(D)(2) of the City of Napoleon, Ohio, Code of Ordinances. The proposed development is located in an "A" Residence District.

The design of this pool does not extend beyond the existing house, toward the Broadmoor side, and therefore will not cause any more problems than the existing house does.

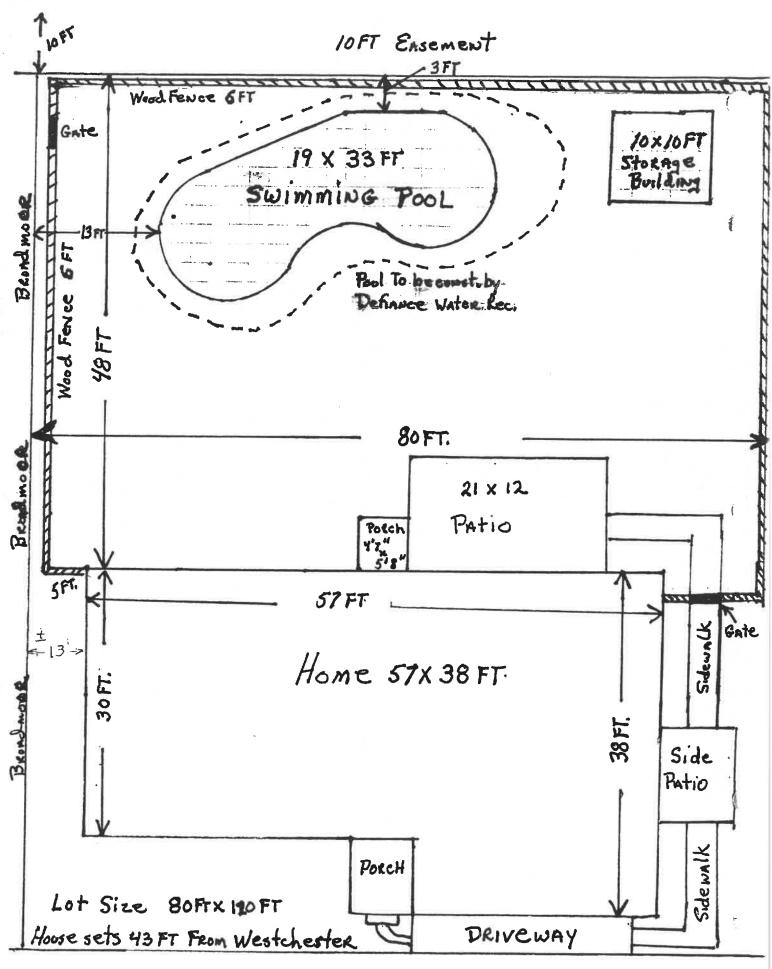
After reviewing this request, the City staff does recommend in favor of granting this request for the following reasons:

- 1. The City Address Building Permit file shows that the sewer tap for this house was issued in 1966. This may explain why the existing house is located in the front yard setback of Broadmoor Ave.
- 2. The pool and fence will be located in a reasonable location for a corner lot.
- 3. Although the construction will be close to the Broadmoor Street Right-of-Way, it will not effect the construction of Broadmoor Street in the future any worst than the house will.
- 4. The pool and fence will be a good improvement to the site.

The standards for variation to be considered are as follows:

- a) That there are exceptional or extraordinary circumstances or conditions applicable to the property or to the intended use that do not apply generally to the other property or use in the same vicinity of district.
- b) That such Variance is necessary for the preservation and enjoyment of a substantial property right possessed by other property in the same vicinity or district but which is denied to the property in question.
- c) That the granting of such Variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity or district in which the property is located.
- d) That the granting of such a Variance will not alter the land use characteristics of the vicinity of district, diminish the value of adjacent land and improvements or increase the congestion in the public streets.

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1096 Westchester

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| | | 1 06.24 85 85 85 85 85 85 85 85 | - | 6 1156 1146 1136 1126 | 0 13 12 10 85 | 02.95 85 85 85 85 | HOEFFEL SECON | | GERKEN 1166 1156 1146 1136 1126 | 100.16' 85' 85' 85' | 2- | - | |
| | | 85' 105 1115 1105 | | = 120 | ය දැ ල දැ | 95 | D ADD. | 4 | 106 | 80 C | | | |
| | | BROAD | MC | OR | _ | | | - | 120' | AVE. | | | |
| CHELSE. | 6 4 0 0 6 | 2 2 2 1 80° | KENIL | 60' | ^ର । ୧୯ | 7. | 20095 | 60 | | - 62 62 | 60 | 60. 60. 60. 60. 60. 60. 60. 60. | 82 |
| LSE | 086 086 | 2-1085 | _ | 24 | 1086 | -4 | 1085 | | ¥ 45°° □ 48°° | 6 | 60. | 6 4 | 8 |
| 212. | 60. | 60' 60' 60' 60' 1075 1065 1055 1045 1035 20 19 18 17 16 | WORTH | 60 | 1076 1066 1056 | 4 | . 92 | - | STV | 1075 1065 60 59 | 60. | 656 | 80 |
| AV 36 1075 | 1066 1056 1046 1036 7 8 9 10 60' 60' 60' | 1965 | 7 <i>TH</i> | 26 | 066 | 9 | | 4 | STWOOD ADDITION | + | ø 0 | 6 0 | 79 |
| AVE. | 8 05 0 05 0 05 | - O a | | 27 2 | 05 0 | 0 | | 1 _ | | 00 00 | 0 | 1056 H | 78 |
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